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(Original Signature of Member)

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To prohibit discrimination in higher education against certain undocumented students on the basis of immigration status, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prohibit discrimination in higher education against certain undocumented students on the basis of immigration status, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Higher Education  
5       Dream Act of 2018”.

1 **SEC. 2. HIGHER EDUCATION FOR DREAMER STUDENTS.**

2 Part B of title I of the Higher Education Act of 1965  
3 (20 U.S.C. 1011 et seq.) is amended by adding at the end  
4 the following:

5 **“SEC. 124. NONDISCRIMINATION AGAINST DREAMER STU-**  
6 **DENTS IN HIGHER EDUCATION.**

7 “(a) IN GENERAL.—An institution of higher edu-  
8 cation that receives Federal funds or financial assistance  
9 under any Federal program shall not discriminate or take  
10 adverse action against a Dreamer student on the basis of  
11 that individual’s immigration status.

12 “(b) ELIGIBILITY.—An institution of higher edu-  
13 cation that receives Federal funds or financial assistance  
14 under any Federal program shall not prohibit a Dreamer  
15 student from applying for admission, nor shall it prohibit  
16 a Dreamer student who is accepted to that institution  
17 from enrolling.

18 “(c) ADMISSIONS.—An institution of higher edu-  
19 cation that receives Federal funds or financial assistance  
20 under any Federal program shall not discriminate against  
21 or penalize in the admissions process a Dreamer student  
22 who is otherwise qualified for admission to the institution,  
23 on the basis of that individual’s immigration status, nor  
24 shall such an institution differentiate in the admissions  
25 process on the basis of residency between a United States

1 citizen applicant and a Dreamer student applying from the  
2 same State.

3 “(d) TUITION RATE.—An institution of higher edu-  
4 cation that receives Federal funds or financial assistance  
5 under any Federal program shall not charge a greater rate  
6 of tuition than the rate charged for residents of the State  
7 in which the institution is located to a Dreamer student  
8 who, but for such individual’s immigration status, other-  
9 wise qualifies as a resident of the State in which the insti-  
10 tution is located.

11 “(e) CONFIDENTIALITY OF INFORMATION.—

12 “(1) PROHIBITION.—No officer or employee of  
13 the United States, of a State, or of an institution of  
14 higher education that receives Federal funds or fi-  
15 nancial assistance under any Federal program to  
16 which a Dreamer student applies for admission or  
17 enrolls, may—

18 “(A) use the information furnished by the  
19 Dreamer student to arrest, detain, or initiate  
20 removal proceedings against any person identi-  
21 fied in that information;

22 “(B) make any publication whereby the in-  
23 formation furnished by any particular Dreamer  
24 student can be identified; or

1           “(C) permit anyone other than an officer  
2           or employee of the Federal Government or the  
3           institution of higher education to which a  
4           Dreamer student applies or enrolls, to examine  
5           any information provided by a Dreamer student  
6           relating to that individual’s immigration status  
7           or qualifications to be a Dreamer student.

8           “(2) PENALTY.—Whoever knowingly uses, pub-  
9           lishes, or permits information to be examined in vio-  
10          lation of this subsection shall be fined not more than  
11          \$50,000.

12          “(f) DEFINITION OF DREAMER STUDENT.—

13           “(1) IN GENERAL.—In this section, the term  
14          ‘Dreamer student’ means an individual who—

15           “(A) as defined in section 101 of the Im-  
16          migration and Nationality Act (8 U.S.C.  
17          1101)—

18           “(i) is not a national of the United  
19          States;

20           “(ii) is an immigrant;

21           “(iii) maintains a residence in the  
22          United States; and

23           “(iv) does not possess a valid immi-  
24          grant visa, a valid nonimmigrant visa, or  
25          equivalent document demonstrating a law-

1                   ful immigration status in the United  
2                   States;

3                   “(B) was younger than 18 years of age on  
4                   the date on which the individual initially en-  
5                   tered the United States;

6                   “(C) has provided a list of each secondary  
7                   school that the student attended in the United  
8                   States; and

9                   “(D)(i) has earned a high school diploma,  
10                  the recognized equivalent of such diploma from  
11                  a secondary school, or a high school equivalency  
12                  diploma in the United States or is scheduled to  
13                  complete the requirements for such a diploma  
14                  or equivalent before the next academic year be-  
15                  gins;

16                  “(ii) has acquired a degree from an institu-  
17                  tion of higher education or is enrolled in a pro-  
18                  gram for a baccalaureate degree or higher de-  
19                  gree at an institution of higher education in the  
20                  United States;

21                  “(iii) at any time was eligible for a grant  
22                  of deferred action under—

23                  “(I) the June 15, 2012, memorandum  
24                  from the Secretary of Homeland Security  
25                  entitled ‘Exercising Prosecutorial Discre-

1                   tion with Respect to Individuals Who  
2                   Came to the United States as Children'; or  
3                   “(II) the November 20, 2014, memo-  
4                   randum from the Secretary of Homeland  
5                   Security entitled ‘Exercising Prosecutorial  
6                   Discretion with Respect to Individuals  
7                   Who Came to the United States as Chil-  
8                   dren and with Respect to Certain Individ-  
9                   uals Who Are the Parents of U.S. Citizens  
10                  or Permanent Residents’; or

11                 “(iv) has served in the uniformed services,  
12                 as defined in section 101 of title 10, United  
13                 States Code, for not less than 4 years and, if  
14                 discharged, received an honorable discharge.

15                 “(2) **HARDSHIP EXCEPTION.**—The Secretary  
16                 shall issue regulations that direct when an institu-  
17                 tion of higher education shall waive the requirement  
18                 of clause subparagraph (B) or (C), or both, of para-  
19                 graph (1) for an individual to qualify as a Dreamer  
20                 student under such paragraph, if the individual—

21                 “(A) demonstrates compelling cir-  
22                 cumstances for the inability to satisfy the re-  
23                 quirement of such subparagraph (B) or (C), or  
24                 both; and

1                   “(B) satisfies the requirement of para-  
2                   graph (1)(D).”.

3   **SEC. 3. REPEAL OF PROHIBITION.**

4       Section 505 of the Illegal Immigration Reform and  
5   Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) is  
6   repealed.